



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,840	12/21/2004	Eugenie Irma Benliyan	NL 020588	1277
24737 7590 01/04/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER HICKS, CHARLES N	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 01/04/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,840

Applicant(s)

BENLIYAN, EUGENIE IRMA

Examiner

Charles N. Hicks

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 08/31/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis (US Patent No. 6,774,926 B1), hereinafter referred to as Ellis.

3. Regarding claim 1, Ellis discloses a system for providing a personalized TV channel to at least one of a number of users, which system comprises: a server entity, which entity is connectable to a network, the entity comprising a network unit for receiving real time information, user parameters and user commands via the network (**fig. 1, col. 4, lines 6-19**),

generation means for generating the personalized TV channel for said at least one user in response to the user parameters and user commands by selectively including in the personalized TV channel real time information from further users (**fig. 1, col. 3, lines 19-54**);

and a device for said at least one user, the device comprising an input unit for

receiving the real time information from a capture unit, which real time information comprises video information related to the user, storage means for storing the user parameters identifying said at least one user, control means for receiving the user commands for controlling the contents of the personalized TV channel, a network unit for coupling the device to a server entity via a network for transmitting the real time information and the user parameters and user commands, and generating means for generating an output signal for display on a TV display based on the personalized TV channel (**fig. 1-3, col. 5, lines 15-59**).

4. Regarding claim 2, Ellis discloses a device for providing a personalized TV channel to a user, the device comprising an input unit for receiving real time information from a capture unit, which real time information comprises video information related to the user (**fig. 1-3, col. 5, lines 15-35**),

storage means for storing user parameters identifying the user, control means for receiving user commands for controlling the contents of the personalized TV channel, a network unit for coupling the device to a network for transmitting the real time information and the user parameters and user commands, the personalized TV channel comprising real time information received from further users selected in dependence on said transmitted user parameters and user commands, and generating means for generating an output signal for display on a TV display based on the personalized TV channel (**fig. 1-3, col. 5, lines 15-59**).

5. Regarding claim 3, Ellis discloses a device wherein the device comprise means for receiving server control information, in particular indicating that a further user is receiving the real time information from the user (**fig. 1-5, col. 6, lines 23-55**).

6. Regarding claim 4, Ellis discloses a device wherein the control means include sound control means for controlling sound to accompany the personalized TV channel, in particular selecting sound from a TV or radio station (**fig. 1-3, col. 5, lines 45-60**).

7. Regarding claim 5, Ellis discloses a device as wherein the sound control means are arranged for adding sound of a real time source from which source real time information is included in the personalized TV channel or mixing said sound with sound from a TV or radio station (**fig. 1-3, col. 5, lines 45-68**).

8. Regarding claim 6, Ellis discloses a device wherein the device has means for detecting the presence of sound provided by the capture unit, and wherein the sound control means are arranged for said adding in dependence on said presence (**fig. 1-3, col. 5, lines 45-68**).

9. Regarding claim 7, Ellis discloses a device wherein the storage means are arranged for storing picture information and the generating means are arranged for including the picture information in the output signal (**fig. 1-3, col. 5, lines 15-59**).

10. Regarding claim 8, Ellis discloses a device wherein the control means include means for coupling to a remote control unit, which remote control unit has user control buttons for giving the user commands for controlling the contents of the personalized TV channel (**fig. 1-3, col. 5, lines 15-59**).

11. Regarding claim 9, Ellis discloses a server entity for which the entity is connectable to a network for providing a personalized TV channel for at least one of a number of users, the entity comprising a network unit for receiving real time information, user parameters and user commands via the network and for transmitting the personalized TV channel to the user via the network (**fig. 1, col. 4, lines 6-19**),

generation means for generating the personalized TV channel for said at least one user in response to the user parameters and user commands by selectively including in the personalized TV channel real time information from further users (**fig. 1, col. 3, lines 19-54**).

12. Regarding claim 10, Ellis discloses an wherein the generation means are arranged for maintaining status information, the status information for a user at least including one of the following: whether the capture unit is active; which other users are receiving the real time information from the user (**fig. 1-4, col. 6, lines 1-31**).

13. Regarding claim 11, Ellis discloses a method of managing the system for providing a personalized TV channel, the method comprising managing a server entity

by providing user registration for users which are allowed to connect to the server entity via the device for providing a personalized TV channel to the user, and generating the user parameters identifying the user for user registration and for storage in the device (fig. 1-3, col. 5, lines 1-44).

14. Regarding claim 12, Ellis discloses a method of providing a personalized TV channel for at least one of a number of users, the method comprising connecting to the users via a network, receiving real time information, user parameters and user commands via the network (fig. 1, col. 4, lines 6-19),

generating the personalized TV channel for said at least one user in response to the user parameters and user commands by selectively including in the personalized TV channel real time information from further users, and transmitting the personalized TV channel to the user via the network (fig. 1, col. 3, lines 19-54).

15. Regarding claim 13, Ellis discloses a computer program product for providing a personalized TV channel for at least one of a number of users, which program is operative to cause a processor to perform the method (fig. 1, col. 3, lines 19-54, col. 4, lines 6-19).

Claim Rejections - 35 USC § 101

16. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 13 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A computer program requires computer readable memory as well as computer executable code in order to allow functionality.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kawana (US 2002/0023266 A1) discloses a broadcast playing and recording terminal for playing programs. Hudson (US 2005/0240955 A1) discloses a TV program distribution system that allows users to submit programming.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Hicks whose telephone number is 571-272-3010. The examiner can normally be reached on M-F 7:30AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number:
10/518,840
Art Unit: 2623

Page 9

CNH

A handwritten signature in black ink, appearing to read "C. Kelley".

CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600